SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-011046   12/16/2014

                                              CLERK OF THE COURT
HONORABLE MICHAEL D. GORDON   M. MINKOW
                                                     Deputy

MICHAEL SOTO, et al.   JAMES M ABERNETHY

v.

ANTHONY M SACCO, et al.   EDWARD G HOCHULI

                        FINAL ORDER

        3:05 a.m. Courtroom 108 NE. This is the time set for Telephonic Conference Re: Request for Expedited Order to Perfect Trial. Appearing on behalf of Plaintiffs Michael Soto and Julie Kunstler Soto is counsel, James M. Abernethy. Appearing on behalf of Defendants Total Transit, Inc. dba Discount Cab, Discount Enterprises, Inc. and Anthony M. Sacco is counsel, Whitney M. Harvey, who is appearing on behalf of counsel, Edward G. Hochuli.

        A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

        The parties state their positions.

        Pursuant to Defendants' Motion for New Trial, to Alter or Amend the Judgment, and for Remittitur (filed September 29, 2014), the Court previously granted the Remittitur as to Plaintiff Michael Soto and denied it as to Julie Soto. The Court also offered the Plaintiffs the opportunity to accept the Remittitur, which would have resulted in vacating the new trial order pursuant to Rule 59(i)(1), Ariz. R. Civ. P.

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Pursuant to Rule 59(m), Ariz. R. Civ. P., the Court specifies with particularity the grounds for granting the motion. The Court finds that the verdict with respect to Michael Soto was excessive and not supported by the evidence.

Now that the Plaintiffs have rejected the Remittitur, the Court affirms the Status Conference set for February 27, 2015, in order to proceed with the new trial. The Court, however, will be deprived of further jurisdiction over the matter if either side perfects an appeal. To be clear, the Court intends this order for a new trial to be a final written order resolving all issues raised under Rule 59(i), Ariz. R. Civ. P.

3:24 p.m. Matter concludes.

/s/ Michael D. Gordon
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MICHAEL D. GORDON
JUDGE OF THE SUPERIOR COURT